IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 263 of 2007

SAGAR MAL AGARWAL
V/S
CIVIL JUDGE (S.D.),BHILWARA & ANR.

Mr. USMAN GHANI for Mr. TRIBHUVAN GUPTA, for the appellant / petitioner

Date of Order : 27.2.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Learned trial court has found that the allegation about the one shop having come into possession of the plaintiff is not disputed, and therefore, the application for amendment has been refused.

It is contended by the learned counsel for the petitioner that even if it is an admitted fact, but in absence of pleading the petitioner may suffer.

Suffice it to say that it is clarified that factum of the plaintiff coming into possession of one shop as admitted and recorded in the order dt. 8.11.2006 shall be considered by the trial court in deciding the main suit even without there being any specific pleading in the written statement in that regard.

The writ petition is accordingly disposed of.

(N P GUPTA),J.

/sushil/